

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 40-41, 43-47, and 53-58 were pending in the application, of which Claims 40 and 53 are independent. Claims 1-39 and 42 have been previously canceled without prejudice or disclaimer, and Claims 48-52 and 59-65 have been previously withdrawn. In the Office Action dated October 6, 2004, Claims 53 and 58 were rejected under 35 U.S.C. §102(e) and Claims 40-41, 43-47, and 54-57 were rejected under 35 U.S.C. §103(a). Following this response, Claims 40-41, 43-47, and 53-58 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action dated October 6, 2004, the Examiner rejected Claims 40-41, 43-47, and 53-57 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,802,301 ("*Dan*") in view of U.S. Patent No. 6,396,816 ("*Astle*") further in view of U.S. Patent No. 6,047,322 ("*Vaid*"). Claims 40 and 53 have been amended to further define and clarify the invention and Applicant respectfully submits that the amendments overcome this rejection and add no new matter. Support for these amendments can at least be found on page 2 of the specification, lines 9-22.

Amended Claim 40 is patentably distinguishable over the cited art in that it recites, for example "wherein the file attribute comprises one of a text data attribute, a style data attribute, a graphic attribute, and an audio data attribute, wherein if the file attribute comprises the text data attribute, the data requested is given a highest priority

index, if the file attribute comprises the style data attribute, the data requested is given a next highest priority index, and if the file attribute comprises the graphic or audio data attribute, the data requested is given a lowest priority index, and wherein the reallocating is based on the priority index.” Amended Claim 53 includes a similar recitation.

Applicant restfully submits that combining *Dan*, *Astle*, and *Vaid* would not have led to the claimed invention because *Dan*, *Astle*, and *Vaid*, either individually or in any reasonable combination, at least do not disclose or suggest the aforementioned recitation of amended Claim 1. Amended Claim 53 includes a similar recitation. Accordingly, independent Claims 40 and 53 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 40 and 53.

Dependent Claims 41, 43-47, and 54-58 are also allowable at least for the reasons above regarding independent Claims 40 and 53, and by virtue of their respective dependencies upon independent Claims 40 and 53. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 41, 43-47, and 54-58.

II. Conclusion

Applicant respectfully requests that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicant respectfully submits that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the

elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant respectfully submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

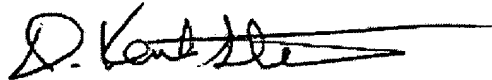
In view of the foregoing remarks, Applicant respectfully submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "D. Kent Stier", written over a horizontal line.

Dated: January 6, 2005

By: _____

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